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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,458	01/23/2002	Bruno Jechoux	218223US2	6434

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

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DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/052,458

Applicant(s)

JECHOUX, BRUNO

Examiner

Willie J. Daniel, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/052458, filed on 23 January 2002.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 15 April 2002 is in compliance with the provisions of 37 CFR 1.97 and is being considered by the examiner.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.

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- (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
  - (f) BRIEF SUMMARY OF THE INVENTION.
  - (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
  - (h) DETAILED DESCRIPTION OF THE INVENTION.
  - (i) CLAIM OR CLAIMS (commencing on a separate sheet).
  - (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
  - (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).
4. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
5. The abstract of the disclosure is objected to because of "Fig. 5" on pg. 11, line 10. Correction is required. See MPEP § 608.01(b).

#### *Claim Objections*

6. Claims 4-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,256,356 B1) in view of Flammer, III et al. (hereinafter Flammer) (US 5,515,369).

Regarding Claim 1, Suzuki discloses a method for dynamic allocation of transmission resources to a plurality of communications between a base station and a plurality of mobile terminals, each resource consisting of a plurality of possible values, an control section (20) which reads on the claimed "allocation controller" associated with the base station, referred to as the fast allocation controller (20), being able to allocate to the said communications only certain combinations of possible values, referred to as available resources (see col. 8, line 66 - col. 9, line 22; col. 10, line 60 - col. 12, line 21; Figs. 2-5B), where the resources (e.g., band and time slots) of the system are allocated to communications with the base station and terminal units. Suzuki fails to disclose having the feature characterised in that the said fast allocation controller generates a pseudo-random sequence and allocates at least one available resource to a communication according to a value of the said pseudo-random sequence. However, the examiner maintains that the feature characterised in that the said fast allocation controller generates a pseudo-random sequence and allocates at least one available resource to a communication according to a value of the said pseudo-random sequence, as taught by Flammer.

In the same field of endeavor, Flammer discloses the feature characterised in that the said pseudo-random number generator which reads on the claimed “fast allocation controller” generates a pseudo-random sequence and allocates at least one available resource to a communication according to a value of the said pseudo-random sequence (see col. 4, lines 36-62; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki and Flammer to have the feature characterised in that the said fast allocation controller generates a pseudo-random sequence and allocates at least one available resource to a communication according to a value of the said pseudo-random sequence, in order to allocate resources according to the useable channels, as taught by Flammer.

Regarding Claim 2, Suzuki discloses of the feature in that a combination of available resources are allocated (see col. 8, line 66 - col. 9, line 22; col. 10, line 60 - col. 12, line 21; Figs. 2-5B), where the resources combination (e.g., frequency band and time slots) of the system are allocated to communications with the base station and terminal units. Suzuki fails to disclose having the feature characterised in that the said available resources are indexed sequentially and available resources is allocated if its index is equal to a value of the said pseudo-random sequence. However, the examiner maintains that the feature characterised in that the said available resources are indexed sequentially and available resources is allocated if its index is equal to a value of the said pseudo-random sequence was well known in the art, as taught by Flammer.

Flammer further discloses the feature characterised in that the said available resources are indexed sequentially and available resources is allocated if its index is equal to a value of the said pseudo-random sequence (see col. 4, lines 36-62; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki and Flammer to have the feature characterised in that the said available resources are indexed sequentially and available resources is allocated if its index is equal to a value of the said pseudo-random sequence, in order to allocate resources according to the useable channels, as taught by Flammer.

Regarding Claim 3/1, Suzuki the feature characterised in that parameters for generating the said random sequence are transmitted from the base station to the terminal units which reads on the claimed "mobile terminals" (see col. 9, lines 13-22; col. 10, lines 18-40; Figs. 2-5). Suzuki fails to disclose having the feature in that the said random sequence is generated by the mobile terminals from the said generation parameters. However, the examiner maintains that the feature in that the said random sequence is generated by the mobile terminals from the said generation parameters was well known in the art, as taught by Flammer.

Flammer further discloses the feature in that the said random sequence is generated by the target node which reads on the claimed "mobile terminals" from the said generation parameters (see col. 3, line 52 - col. 4, line 9; col. 4, lines 28-62; Figs. 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki and Flammer to have the feature in that the said random sequence is generated by the mobile terminals from the said

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generation parameters, in order to allocate resources according to the useable channels, as taught by Flammer.

Regarding Claim 3/2, Suzuki the feature characterised in that parameters for generating the said random sequence are transmitted from the base station to the terminal units which reads on the claimed “mobile terminals” (see col. 9, lines 13-22; col. 10, lines 18-40; Figs. 2-5). Suzuki fails to disclose having the feature in that the said random sequence is generated by the mobile terminals from the said generation parameters. However, the examiner maintains that the feature in that the said random sequence is generated by the mobile terminals from the said generation parameters was well known in the art, as taught by Flammer.

Flammer further discloses the feature in that the said random sequence is generated by the target node which reads on the claimed “mobile terminals” from the said generation parameters (see col. 3, line 52 - col. 4, line 9; col. 4, lines 28-62; Figs. 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki and Flammer to have the feature in that the said random sequence is generated by the mobile terminals from the said generation parameters, in order to allocate resources according to the useable channels, as taught by Flammer.



*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR  
25 August 2004

  
2/3/07  
LESTER G. KINCAID  
PRIMARY EXAMINER